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REMARKS

Claims 2 through 7 and 9 through 11 are pending in this Application. Claim 2 has been amended to address a typographical oversight and for clarity. Applicants submit that the present Amendment does not generate any new matter issue.

This Amendment supplements the Amendment submitted pursuant to 37 C.F.R. § 1.114 together with a Request for Continued Examination (RCE) on December 2, 2003. On March 12, 2004, the Examiner issued an Advisory Action indicating that the Amendment submitted December 2, 2003 would not be entered asserting it raised a new matter issue. On March 22, 2004, a telephone interview conducted with Examiner Prasad, during which he was advised that an RCE was filed and, hence, the issuance of an Advisory Action was improper. Examiner Prasad indicated he had no record of receiving the RCE. A copy of the RCE amendment and petition for extension of time was then faxed to Examiner Prasad together with a readout from TAPS PAIR indicating that the USPTO had received the RCE. During a subsequent telephone communication, Examiner Prasad agreed that the RCE was received in the USPTO, and suggested filing a supplemental response.

Applicants submit that all pending claims are in condition for immediate allowance, for reasons expressed in the Amendment submitted pursuant to 37 C.F.R. § 1.114 on December 2, 2003. Applicants would further submit that the present amendment does not generate any new matter issue. Adequate descriptive support for the recited ratio of the optical power propagating through said jacket region to the total optical power propagating through said optical fiber as no more than 10^{-6} should be apparent from page 18 in the written description of the specification, lines 11 through

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13. Applicants would stress that *ipsis verbis* support in specification for claim language is not required. *Wang Laboratories, Inc. v. Toshiba Corp.* 993 F.2d 858, USPQ2d 1177 (CAFC 1993). Rather, the written description requirement of the first paragraph of 35 U.S.C. 112 is satisfied if the concept encompassed by a claim was originally disclosed. *In re Anderson*, 41 F.2d 1237, 176 USPQ 331 (CCPA 1973). It has been repeatedly held that the written description requirement does not require an applicant to describe precisely the subject matter claimed. Rather the disclosure should be sufficient to allow one having ordinary skill in the art to recognize that applicants invented what is now claimed. *Union Oil Co. of California v. Atlantic Richfield Co.* 208 F.3d 989, 54 USPQ2d (Fed. Cir. 2000) 1227.


Based upon the foregoing, Applicants submit that neither the Amendment submitted on December 2, 2003 pursuant to 35 C.F.R. § 1.114, nor the present Amendment generates any new matter issue. Applicants again submit that for the reasons expressed in the Amendment submitted on December 2, 2003, all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

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Respectfully submitted,

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